

***Via EFS Web***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MANDELBOIM et al.

Attorney Docket No.: 2488.019

Serial No.: 10/538,231

Examiner: DAVIS, Minh Tam B

Filed: June 9, 2005

Group Art Unit: 1642

Title: NK CELL RECEPTOR CONJUGATES FOR TREATING MALIGNANCIES

Confirmation No.: 8744

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT UNDER C.F.R. §1.142**

Dear Sir:

This is in response to the Office Action mailed November 29, 2007, in connection with the above-identified U.S. patent application. In light of a request for a one-month extension of time and fee therefore enclosed herewith, a response is due by January 29, 2008; this response is timely filed.

Claims 1-44 were presented at the time of filing; claims 1-44 are currently pending in the application. The Action of November 29, 2007 requires election under 35 U.S.C. 121 and 372 between eight groups of claims:

- |            |   |
|------------|---|
| Group 1    | Claims 1-5, 19-23, drawn to a polypeptide conjugate (SEQ ID NO: 4) comprising NKp30 and a cytotoxic agent or an Ig molecule;  |
| Group 2    | Claims 6-18, drawn to a polynucleotide encoding a polypeptide conjugate (SEQ ID NO:4) comprising NKp30 and a cytotoxic agent or an Ig molecule;   |
| Groups 3-6 | Claims 24-32, 34-40, 42, drawn to a method for treating a solid tumor, which is a carcinoma, melanoma, glioma or neuroblastoma, using NKp30 conjugate SEQ ID NO: 4. According to the Action, a method for treating each tumor constitutes a single, distinct invention. |

- Groups 7-8      Claims 24-31, 33-39, 41-42, drawn to a method for treating a non-solid tumor, which is lymphoma or leukemia, using NKp30 conjugate SEQ ID NO:4. According to the Action, a method for treating each tumor constitutes a single, distinct invention.
- Groups 9-20    Claims 24, 27-28, 31, 34-36, 38-40, 42-43, drawn to a method for treating a solid tumor, which is a carcinoma, melanoma, glioma or neuroblastoma, using the conjugate SEQ ID NO: 1-3. According to the Action, a method for treating each tumor, using each polypeptide conjugate constitutes a single, distinct invention.
- Groups 21-26   Claims 24, 27-28, 31, 34-36, 38-39, 41-43, drawn to a method for treating a non-solid tumor, which is lymphoma or leukemia, using the conjugate SEQ ID NO: 1-3. According to the Action, a method for treating each tumor, using each polypeptide conjugate constitutes a single, distinct invention.
- Groups 27-38   Claims 24, 27-28, 31, 34-36, 38-40, 42, 44, drawn to a method for treating a solid tumor, which is a carcinoma, melanoma, glioma or neuroblastoma, using the conjugate SEQ ID NO: 5-7. According to the Action, a method for treating each tumor, using polypeptide conjugate constitutes a single, distinct invention.
- Groups 39-42   Claims 24, 27-28, 31, 34-36, 38-39, 41-42, 44, drawn to a method for treating a non-solid tumor, which is lymphoma or leukemia, using the conjugate SEQ ID NO: 5-7. According to the Action, a method for treating each tumor, using each polypeptide conjugate constitutes a single, distinct invention.

According to the Office Action, the inventions listed above do not relate to a single general inventive concept because the technical feature of Group I, a conjugate of NKp30 and an immunoglobulin, is taught by US 2002/0142445 or Pende et al. and therefore, lacks novelty and does not make a contribution over the prior art. Applicants respectfully disagree.

Notwithstanding the above, Applicants hereby elect the claims of Group I (claims 1-5, 19-23), drawn to a polypeptide conjugate (SEQ ID NO: 4) comprising NKp30 and a cytotoxic agent or an Ig molecule. The election is made without traverse and without prejudice to Applicants' right to pursue the subject matter of the non-elected claims in one or more additional applications.

The Office Action also requires election of a single species of the claimed invention:

a cytotoxic agent or an immunoglobulin molecule.

Applicants hereby elect an immunoglobulin molecule as the species for examination at this time.

The Examiner is invited to contact Applicants' Attorney at the telephone number given below if any further questions arise in connection with this Application.

Respectfully submitted,

A handwritten signature in black ink, reading "Kathy Smith Dias", written over a horizontal line.

Kathy Smith Dias

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Dated: January 28, 2008

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